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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. **CRM-M No.3969 of 2021 (O&M)**
Date of Decision: 05.07.2021

HARPREET SINGH ALIAS BILLA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

2. **CRM-M No.5764 of 2021 (O&M)**

KULVIR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Manish Kumar Singla, Advocate
for the petitioner(s).

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through
video conferencing.

CRM No.6228 of 2021 in CRM-M No.5764 of 2021

For the reasons mentioned in the application, the same
is allowed. Accompanying documents are taken on record.

Main case(s)

Vide this common order, CRM-M No.3969 of 2021 and

5764 of 2021 (O&M) are being decided. Since both the cases have arisen out of same FIR, therefore, facts are being culled out from CRM-M No.3969 of 2021.

Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.43 dated 07.07.2020, registered under Sections 307, 458, 323, 324, 427, 148, 149 IPC at Police Station Bajakhana, District Faridkot (Sections 326 & 325 IPC were added later on vide rapat No.21 dated 03.10.2010).

The FIR was registered at the instance of Jaswinder Kaur with the allegations that in the intervening night of 05/06.07.2020 at about 12.00 A.M., the main gate of the house of the complainant was knocked by Vicky Singh and Harpreet Singh @ Billa. They entered the house of the complainant by scaling over the wall and then opened the main gate thereby facilitating entry of Paramjit Kaur @ Pammi, her daughter Peetu Kaur, Kulbir Singh, Vicky Singh, Harpreet Singh @ Billa, Gora Singh, Gurpreet Singh and Kala Singh @ Buta Singh in the house. As per allegations, the accused persons trespassed in the house and caused injuries to the complainant with intention to kill her. When sons of the complainant namely Lovepreet Singh and Arshdeep Singh intervened they were also assaulted by the assailants. Vicky gave a kappa blow on the left side of

the complainant. Petitioner-Harpreet Singh @ Billa gave kirpan blow on left side of forehead of the complainant. Petitioner-Kulvir Singh also gave a tokka blow on the left side of head of the complainant. The other assailants also inflicted number of blows. The injury No.2 attributed to Harpreet Singh @ Billa reads as under:-

“2. Incised wound measuring 4 cm x 0.30 cm present vertically over left side of frontal region of scalp, wound is gaping, depth to be assessed by surgeon, fresh red soft clotted blood present at the margins.”

Similarly, petitioner Kulvir Singh is attributed injury No.3 on the person of the complainant which reads as under:-

“3. Incised wound measuring 8 cm x 0.30 cm present obliquely over left side of fronto parietal region of scalp. The front end is 9 cm above left ear and 4.5 cm from midline and the back end is overlying the midline. Wound is gaping. Depth to be assessed by surgeon. Fresh red soft clotted blood present at the margins.”

The aforesaid injuries No.2 and 3 have been found to be grievous injuries by the Doctor.

Learned counsel for the petitioner(s) submitted that as per prosecution case, petitioners are authors of grievous injuries. Challan has already been presented on 13.10.2020. Even charges have been framed on 02.11.2020. Petitioner-

Harpreet Singh @ Billa is in custody since 05.09.2020 and petitioner-Kulvir Singh is in custody since 03.08.2020. Out of 28 prosecution witnesses, none has been examined so far. Out of total 11 accused persons, 9 persons have already been granted regular bail/anticipatory bail in different petitions.

As per status report filed by way of affidavit of Sh. Parminder Singh, PPS Deputy Superintendent of Police, Sub Division Jaitu, District Faridkot, out of 12 injuries on the person of complainant, 8 injuries were inflicted by sharp-edged weapons and remaining 4 injuries were found to be blunt in nature. As per medical opinion, injuries No.2, 3 and 7 were declared to be grievous in nature. Petitioner(s) Harpreet Singh @ Billa is attributed injury No.2 and Kulvir Singh has been attributed injury No.3. Both the injuries are grievous in nature. No injury has been declared to be dangerous to life.

Looking to the aforesaid facts and keeping in view the custody period of the petitioner(s) and the stage of trial, I deem it appropriate to enlarge the petitioner(s) on regular bail.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 05, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No